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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,725	02/14/2001	Thomas R. Firman	1026-003U	6557
29973	7590	08/18/2009	EXAMINER	
CAREY, RODRIGUEZ, GREENBERG & PAUL LLP			ARMSTRONG, ANGELA A	
ATTN: STEVEN M. GREENBERG, ESQ.				
950 PENINSULA CORPORATE CIRCLE			ART UNIT	PAPER NUMBER
SUITE 3020			2626	
BOCA RATON, FL 33487				
			MAIL DATE	DELIVERY MODE
			08/18/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/783,725	FIRMAN, THOMAS R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANGELA A. ARMSTRONG	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 May 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 4-7, 14, 16-57 and 60-62 is/are pending in the application.

4a) Of the above claim(s) 4, 5 and 16-34 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-7, 14, 35-57, 60-62 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This Office Action is in response to the Remarks filed May 26, 2009. Currently, claims 4-7, 14, 16-57, and 60-62 are pending, with claims 4-5 and 16-34 being withdrawn from consideration.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 14 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhor (US Patent No. 5,231,670) in view of Porter (US Patent 4,829,576).

3. Regarding claims 14 and 60-62, Goldhor teaches a system and or method for generating text from a voice input that divides the processing of each speech event into a dictation event and a text event. The teachings of Goldhor provide for the system and method to process both simple spoken words as well as spoken commands and to provide the necessary text generation in response to the spoken words or to execute an appropriate function in response to a command. Speech recognition includes the ability to distinguish between dictation text and commands. (Figure 1, elements 12, 14, 16, 18, “recognizer”; col. 1, lines 17-20 55-68; col. 2, lines 1-2; col. 4, lines 10-13; col. 5, lines 40-55; col. 6, lines 46-48). Which reads on a voice user interface device comprising means for converting a voiced utterance into a corresponding signal as an input to a computer or into an internal command to the interface device and means for recognizing the voiced utterance as either one to be converted to said signal or as one to be converted to said command, since the system specifically receives the input speech and determines if the speech is for text or is a command and makes changes to new sets of

utterances when creating new dictation events or new text events. Goldhor does not provide for the converter to determine the changing commands. Porter discloses a voice recognition system for providing speech recognition systems, which recognize commands for use with a text editor. The recognition system is used with command words for finding files, searching for text strings, implementing a scheme for selecting menu choices, such that menus are manipulated so as to display a particular of choices (search or find file) and for selection of the desired displayed command (Col. 7, line 33 to col. 8, line 31; col. 18, line 44 to col. 21, line 5; Figure 41; col. 21, line 39 to col. 22, line 34). Porter specifically teaches the system is designed so as to improve the ease and reliability with which humans can control computer systems which deal with elements contained in data structures, such as words in text files or names in a database (col. 2, lines 15-27). It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Goldhor to implement changing a set of voiced utterances or commands to be recognized based on an input command as taught by Porter, for the purpose of improving the ease and reliability of the recognizer, as also suggested by Porter.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhor (US Patent No. 5,231,670) in view of Torres (US Patent No. 4,821,211).

5. Regarding claim 6, Goldhor teaches a voice user interface system for producing input to a computer, and a program for execution on said computer, a state of said program, said configuration being associated with control of said program, comprising a voice recognizer for recognizing a voiced utterance and for providing corresponding signals as input to said computer (Figure 1, elements 12, 14, 16, 18, “recognizer”; col. 1, lines 17-20 55-68; col. 2, lines 1-2; col.

4, lines 10-13; col. 6, lines 46-48), and a converter for converting said voiced utterance into a command string (col. 1, lines 17-20 55-68; col. 2, lines 1-2; col. 4, lines 10-13; col. 6, lines 46-48).

Goldhor does not specifically teach mimicking mouse commands or various details related to the display of the graphical user interface. Torres teaches a method and apparatus for Navigating among program menus using a graphical menu tree and provides a description of well known cursor functionality and graphical user interface display for permitting computer users to access computer applications and manage windows by graphically designating graphic representations (which reads on “graphical elements”) and manipulating those graphical representations (“graphical elements”) via a graphic pointing device or voice interaction (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

It would have been obvious to one of ordinary skill at the time of the invention to provide for the manipulation of the movement of the cursor via vocal interaction as taught by Torres, in the system of Goldhor, because this would enable a person who is not physically able to move the cursor to be able to move the cursor or access and control icons/applications via vocal commands.

Torres does not specifically teach the manipulation of graphical representations via specifying coordinates. However, manipulating graphical representations and facilitating movement on a graphical display by specifying coordinates of desired locations was well known. It would have been obvious to one of ordinary skill at the time of the invention to provide for the manipulation of the movement of the cursor via vocal interaction as taught by Torres, and to allow for vocal command movements via specified coordinates, as was well known, in the

system of Goldhor, for the purpose of enabling a person who is not physically able to move the cursor to be able to move the cursor or access and control icons/applications via vocal commands.

6. Regarding claim 7, Goldhor teaches command string further comprises a command to said program at (col. 1, lines 17-20 55-68; col. 2, lines 1-2; col. 4, lines 10-13; col. 6, lines 46-48).

8. Claims 35-40 and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (US Patent No. 4,821,211).

9. Regarding claim 35, Torres teaches a method and apparatus for navigating among program menus using a graphical menu tree and provides a description of well known cursor functionality and graphical user interface display for permitting computer users to access computer applications and manage windows by graphically designating graphic representations and manipulating those graphical representations via a graphic pointing device or voice interaction (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56), which reads on a method for use with a machine having a graphical user interface and an application program, the method comprising the graphical user interface being controlled at least in part by a control signal that can be invoked in response to the pointing device and the graphical user interface enabling a user to launch the application program and receiving a voice utterance from a user.

Torres does not specifically disclose launching the application program in response to the received voiced utterance without invoking the control signal. However, the teachings of Torres specifically disclose using voice interaction to control system functionality (col. 4, lines 16-17).

It would have been obvious to one of ordinary skill at the time of the invention to use the system of Torres to launch application programs via voice control and interaction so as to provide computer access to application programs for physically challenged individuals.

Regarding claim 36, Torres teaches an operating system with a graphical interface at (col. 4, lines 3-6).

Regarding claim 37, Torres teaches the graphical user interface is shown on a display at col. 3, line 67.

Regarding claim 38, Torres teaches the machine comprises a computer (col. 4, lines 1-7).

Regarding claim 39, similar limitations to claim 35 are discussed above. Additionally Torres teaches there are multiple application programs (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

Regarding claim 40, similar limitations to claim 35 are discussed above. Additionally, Torres teaches there are multiple application programs, an operating system provides the graphical user interface, the graphical user interface is shown on a display, and the machine comprises a computer (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56),

Regarding claim 52, similar limitations to claims 35, 41 and/or 45 are discussed above. Additionally, Torres teaches selectable menu items (Figures 1-3 and 4D).

Regarding claim 53, similar limitations to claim 35 are discussed above. Additionally Torres teaches there are multiple graphical representations (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

Regarding claim 54, Torres teaches the graphical user interface is shown on a display at col. 3, line 67.

Regarding claim 55, Torres teaches the machine comprises a computer (col. 4, lines 1-7).

Regarding claim 56, Torres does not specifically disclose performing a function associated with a menu item in response to a second received voiced utterance. However, the teachings of Torres describe the well-known implementation of a pointer for accessing computer applications and disclose using voice interaction to control system functionality.

It would have been obvious to one of ordinary skill at the time of the invention to use the system of Torres to provide application programs or other menu item functionality via second or additional received voiced utterances so as to provide computer access to application programs for physically challenged individuals.

Regarding claims 57, Torres teaches manipulating other graphical items includes altering size and location of a window (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

10. Claims 41-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (US Patent No. 4,821,211) in view of Porter (US Patent No. 4,829,576).

11. Regarding claim 41, Torres teaches a method and apparatus for navigating among program menus using a graphical menu tree and provides a description of well known cursor functionality and graphical user interface display for permitting computer users to access computer applications and manage windows by graphically designating graphic representations and manipulating those graphical representations via a graphic pointing device or voice interaction (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56), which reads on a method for use with a machine having a graphical user interface and an application program, the method comprising the graphical user interface being controlled at least in part by a control signal that

can be invoked in response to the pointing device. Torres does not teach manipulating a graphical item separately from the cursor. Porter discloses a voice recognition system for providing speech recognition systems, which recognize commands for use with a text editor. The recognition system is used with command words for finding files, searching for text strings, manipulating menus so as to display a particular menu of choices (search or find file) and for the selection of the desired displayed command (Col. 7, line 33 to col. 8, line 31; col. 18, line 44 to col. 21, line 5; Figures 36-37 and 40-41; col. 21, line 39 to col. 22, line 34). Porter specifically teaches the system is designed so as to improve the ease and reliability with which humans can control computer systems which deal with elements contained in data structures, such as words in text files or names in a database (col. 2, lines 15-27). It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Torres to implement changing a set of voiced utterances to be recognized based on an input command as taught by Porter, for the purpose of improving the ease and reliability of the recognizer, as also suggested by Porter.

Regarding claim 42, Torres teaches an operating system with a graphical interface at (col. 4, lines 1-17).

Regarding claim 43, Torres teaches the graphical user interface is shown on a display at col. 3, line 67.

Regarding claim 44, Torres teaches the machine comprises a computer (col. 4, lines 1-7).

Regarding claim 45, similar limitations to claim 41 are discussed above. Additionally Torres teaches there are multiple graphical items and manipulating the other graphical items (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56), as various menu items, windows or graphical representations to which the user has access and control.

Regarding claims 46-51, Torres teaches manipulating other graphical items includes altering size and location of a window (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

***Response to Arguments***

Applicant's arguments filed May 26, 2009, have been fully considered but they are not persuasive. Regarding claims 14 and 60-62, Applicant traverses the Examiner's position that the claimed invention would be obvious in view of the combination of the teachings of Goldhor and Porter. Applicant has argued that Goldhor does not disclose a voice utterance is recognized either as an utterance to be converted to a corresponding signal or as a voice utterance to be converted to a command to a program. In response, the Examiner argues that Goldhor provides support for the claimed limitation since, at col. 3, line 38 to col. 4, line 57, Goldhor teaches the speech event analyzer 16 generates a list or set of possible candidates that represent the voice input processed by the speech signal processor 14. The speech event analyzer 16 transmits the candidate sets to a dictation event subsystem 18. The dictation event subsystem 18 analyzes the candidate sets and chooses the "BEST MATCH", i.e. the candidate with the highest degree of similarity. This candidate is then considered the correct translation, and the dictation event subsystem forwards the translation to text event subsystem 20 which in turn inputs the translated text to an application. Additionally, Goldhor teaches that when a particular candidate is chosen as best match generally represents the spelling of that particular candidate word or phrase and that the translation may also be any other legal input into a particular application, and the translation may in fact be used to control the application by voice. The translation may also include input to the recognizer whereby the operation of the recognizer can be controlled

and its state changed. Thus, Goldhor's translation which may be the input as translated text into a particular application or which may be used to control (command) the application by voice provides support for a voice utterance is recognized either as an utterance to be converted to a corresponding signal or as a voice utterance to be converted to a command to a program.

Regarding claims 6 and 7, Applicant traverses the Examiner's position that the claimed invention would be obvious in view of the teachings of Goldhor and Torres. Applicant has argued Goldhor neither teaches nor contemplates a "command string" that includes a command positioning a pointer "at coordinates specified relative to a graphical element of a configuration other than the pointer." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As indicated in the previous rejection and in the rejection above, Goldhor was cited as teaching a voice user interface system for producing input to a computer, and a program for execution on said computer, a state of said program, said configuration being associated with control of said program, comprising a voice recognizer for recognizing a voiced utterance and for providing corresponding signals as input to said computer, and a converter for converting said voiced utterance into a command string. Since Goldhor does not specifically teach mimicking mouse commands or various details related to the display of the graphical user interface, Torres was cited as teaching a method and apparatus for Navigating among program menus using a graphical menu tree and provides a description of well known cursor functionality and graphical user interface display for permitting computer users to access computer applications and manage

windows by graphically designating graphic representations (“graphical elements”) and manipulating those graphical representations (“graphical elements”) via a graphic pointing device or voice interaction. Since Torres does not specifically teach the manipulation of graphical representations via specifying coordinates and since manipulating graphical representations and facilitating movement on a graphical display by specifying coordinates of desired locations was well known, one of ordinary skill would have recognized the advantages of modifying the system to provide for the manipulation of the movement of the cursor via vocal interaction as taught by Torres, and to allow for vocal command movements via specified coordinates, as was well known, in the system of Goldhor, since such a modification would have yielded predictable results and resulted in an improved system by enabling a person who is not physically able to move the cursor to be able to move the cursor or access and control icons/applications via vocal commands.

Regarding claims 35-40 and 52-57, Applicant traverses the Examiner’s position that the claimed invention would be obvious in view of the teachings of Torres. Applicant has argued Torres does not disclose or render obvious launching an application program without invoking a control signal that can be invoked in response to a pointing device on a machine. Applicant also argues Torres does not disclose or render obvious displaying a menu without invoking a control signal that may be sent by a pointing device. In response, the Examiner argues Torres teaches a method and apparatus for navigating among program menus using a graphical menu tree and provides a description of well known cursor functionality and graphical user interface display for permitting computer users to access computer applications (launch computer application programs) and manage windows by graphically designating graphic representations and

manipulating those graphical representations via voice interaction. Torres suggests control is provided by either keyboard, mouse, touch screen or voice interaction, so as to provide control by keyboard or mouse or touch screen or voice interaction. Torres' specific teaching that the system allows for navigating program menus and the well known cursor functionality for permitting users to access computer applications and manage windows which can be achieved via voice interaction provides adequate support for launching an application program without invoking a control signal that can be invoked in response to a pointing device on a machine as well as displaying a menu without invoking a control signal that may be sent by a pointing device, since he specifically disclose using voice interaction to control system functionality (col. 4, lines 16-17).

Regarding claims 41-51, Applicant traverses the Examiner's position that the claimed invention would be obvious in view of the teachings of Torres in view of Porter. Applicant has argued Porter teaches the manipulation of textual items not a "one other graphical item" within a graphical user interface. In response to Applicant's arguments, the Examiner argues since Torres was cited for teaching manipulation of graphical representations, and Porter's system clearly provides for manipulating items displayed to the user via voice commands as well as manipulating menus so as to display a particular menu of choices (search or find file) and for the selection of the desired displayed command without the cursor, the combination Torres and Porter provide adequate support for the manipulation of graphical items separately from the cursor, as indicated in the previous rejection and repeated in the rejection above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/  
Primary Examiner, Art Unit 2626